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May 2, 2016

By ECF

The Honorable Colleen McMahon
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Maricultura del Norte, S. de R.L. de C.V., et al. v. WorldBusiness Capital, Inc., et al.
Case No. 1:14-cv-10143(CM)

Dear Judge McMahon:

We represent plaintiffs Maricultura del Norte, S. de R.L. de C.V. and Servax Bleu S. de R.L. de C.V. in this matter.

Plaintiffs submit this Letter Motion pursuant to Your Honor's Individual Practices and Procedures and respectfully request a two-month extension of the deadline to complete all discovery, from June 30, 2016 until August 31, 2016 (with a concomitant extension of the other remaining deadlines). This is the first request for an extension of discovery in this action. As explained below, the extension is reasonable and justified in light of circumstances of the case, and we have been authorized to represent that all parties consent to this relief.

1. Discovery Directed to Defendants

The pleadings in this action were closed on January 29, 2016, when plaintiffs filed their Answers and Affirmative Defenses to defendants WorldBusiness Capital, Inc. ("WBC") and Umami Sustainable Seafood, Inc.'s ("Umami") Counterclaims.

Plaintiffs served their first set of document requests on all defendants on February 12, 2016. WBC and Umami served their paper responses and objections to the first set of discovery requests on March 14, 2016. Defendants Amerra Capital Management, LLC ("Amerra") and Craig A. Tashjian ("Tashjian") served their paper responses and objections to the same set on March 18, 2016. Amerra and Tashjian's first document production – comprised of more than 4,800 documents – began on April 15, was completed on Friday night, April 29th. WBC's document production – including more than 2,200 documents – began on April 18, 2016 and is promised to be completed by the end of this week. Plaintiffs are diligently reviewing those

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documents. Umami – whose records are critical to plaintiffs’ case on both liability and damages – began a rolling production (the conclusion date of which is as of yet unspecified) on the afternoon of Friday, April 29th, including some 860 documents.

Plaintiffs also served a second set of requests for production on April 14, 2016. Responses to those requests are not yet due.

Additionally, plaintiffs served notices of depositions on defendants on March 18 and 21, 2016, and originally noticed them for the end of April and beginning of May 2016. These dates naturally were subject to (a) witness availability and (b) a completed production and the ability to review those records in preparation for depositions. Given the status of discovery, those depositions did not and will not take place on their originally-noticed dates.

Finally, based upon the information contained in documents produced to date by defendants, and their representations that certain key actors are no longer under their control, plaintiffs now anticipate the need to serve certain third-party discovery.

2. Discovery Directed to Plaintiffs

WBC and Umami served their first set of document requests directed to plaintiffs on March 4, 2016. Amerra and Tashjian served theirs on March 17, 2016. Plaintiffs served their paper objections and responses to WBC and Umami’s discovery on April 4, 2016. Plaintiffs also began their document production (including documents responsive to Amerra and Tashjian’s requests) that same day. Plaintiffs substantially completed their document production – made up of 2,047 documents, most of which are in Spanish and may require translation by one or more defendants – on April 7, 2016. Plaintiffs served their objections and responses to Amerra and Tashjian’s requests on April 14, 2016. Plaintiffs are also in the process of finalizing their privilege log and will be making a supplemental production of approximately 400 documents to defendants today, completing plaintiffs’ production.

Amerra, Tashjian, and WBC also served notices of deposition on April 1 and 11, 2016, respectively. While noticed to take place in May, plaintiffs counsel cannot adequately prepare their witnesses before receiving defendants’ complete productions.

3. Pending Issues

While the parties have been working cooperatively, a number of issues have come up in the course of discovery, including the timing for completion of Umami’s production, the scheduling of depositions, the location of third-party witnesses and the exchange of expert reports. Accordingly, on April 12, 2016, plaintiffs moved for referral of discovery issues to Magistrate Judge Fox. That referral was made on April 19, 2016, and, this past Friday, Magistrate Judge Fox scheduled a pre-motion conference for May 11, 2016.

We make this motion now, while two months still remain in the initial schedule, committed to keeping this case on track for trial in 2016. In light of the foregoing, however, we respectfully submit that, notwithstanding the parties’ diligence, maintaining a discovery end-date of June 30, 2016 is unworkable and would compromise the parties’ ability to develop their case

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properly. Assuming that all parties promptly and fully complete document production (which we hope will be the case now that Magistrate Judge Fox is involved), a two-month extension should provide the parties the necessary time to adequately conduct and complete fact and expert discovery and prepare for trial.

We appreciate Your Honor's consideration.

Respectfully,

GORDON & REES LLP

A handwritten signature in blue ink, appearing to read 'I. Rosenberg', is written over the firm name.

Ilan Rosenberg

IR:

cc: All counsel of record (via ECF)